

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CECILIA SPRINGER,

Plaintiff(s),

*-against-*THE ARCHDIOCESE OF NEW YORK; SISTERS OF ST.
URSULA OF THE BLESSED VIRGIN OF NEW YORK; and
NOTRE DAME SCHOOL, f/k/a, NOTRE DAME CONVENT
SCHOOL,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

September 16, 2019

To the above named Defendant(s)

Archdiocese of New York
1101 First Avenue
New York County, New York, NY

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in New York County
which is located in New York County, New York

Dated: New York, New York

September 16, 2019

SIMMONS HANLY CONROY LLC

by 

Paul J. Hanly, Jr.

Attorneys for Plaintiff

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New York, NY 10016
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SUPREME COURT OF THE STATE OF NEW YORK
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CECILIA SPRINGER,

Plaintiff(s),

*-against-*THE ARCHDIOCESE OF NEW YORK; SISTERS OF ST.
URSULA OF THE BLESSED VIRGIN OF NEW YORK; and
NOTRE DAME SCHOOL, f/k/a, NOTRE DAME CONVENT
SCHOOL,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

September 16, 2019

To the above named Defendant(s)

Sisters of St. Ursula of the Blessed Virgin of New York
50 Linwood Road
Rhinebeck, Dutchess County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
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CECILIA SPRINGER,

Plaintiff(s),

*-against-*THE ARCHDIOCESE OF NEW YORK; SISTERS OF ST.
URSULA OF THE BLESSED VIRGIN OF NEW YORK; and
NOTRE DAME SCHOOL, f/k/a, NOTRE DAME CONVENT
SCHOOL,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

September 16, 2019

To the above named Defendant(s)

Notre Dame School f/k/a Notre Dame Convent School
327 West 13th Street
New York County, New York, NY

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in New York County
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Dated: New York, New York

September 16, 2019

SIMMONS HANLY CONROY LLC

by 

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CECILIA SPRINGER,

Plaintiff,

v.

THE ARCHDIOCESE OF NEW YORK; SISTERS OF ST.
URSULA OF THE BLESSED VIRGIN OF NEW YORK; and
NOTRE DAME SCHOOL, f/k/a, NOTRE DAME CONVENT
SCHOOL,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, Cecilia Springer, by her attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against The Archdiocese of New York; Sisters of St. Ursula of the Blessed Virgin of New York; and Notre Dame School, formerly known as Notre Dame Convent School; and alleges, on personal knowledge as to herself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that each Defendant either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

3. Venue for this action is proper in the County of New York pursuant to CPLR 503 in that one or more Defendant resides in this County.

PARTIES

4. Plaintiff Cecilia Springer ("Plaintiff"), is an individual residing in Hudson

County, New Jersey.

5. Defendant Archdiocese of New York is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 1101 First Avenue, New York County, New York. The Archdiocese of New York is a Roman Catholic archdiocese. At all relevant times, the Archdiocese of New York created, oversaw, supervised, managed, controlled, directed and operated parishes or churches of the Archdiocese of New York, including during all relevant times, Notre Dame School, located on West 13th Street in New York, New York (formerly located on West 79th Street in New York, New York).

6. Defendant Sisters of St. Ursula of the Blessed Virgin of New York was at relevant times a province of a religious order of the Roman Catholic Church, the Society of St. Ursula of the Blessed Virgin, also known as the Society of St. Ursula. Defendant Sisters of St. Ursula of the Blessed Virgin of New York ("Sisters of St. Ursula") is also a New York not-for-profit corporation with its principal office at 50 Linwood Road in Rhinebeck, Dutchess County, New York. At relevant times, Sisters of St. Ursula oversaw, managed, supervised, controlled, directed and operated Notre Dame School, formerly known as Notre Dame Convent School.

7. Defendant Notre Dame School, formerly known as Notre Dame Convent School, is a Roman Catholic school with its principal office located at 327 West 13th Street, in New York County, New York. At relevant times, the Sisters of St. Ursula created, oversaw, supervised, managed, controlled, directed and operated Notre Dame School. At all relevant times the Archdiocese of New York oversaw, supervised, and directed the Notre Dame School.

FACTS COMMON TO ALL CLAMS

Defendants' Background and Abuse of the Plaintiff

8. During the times relevant to the allegations set forth herein, Sister Mary Andrew ("Sister Andrew"), a/k/a Sister Frances Doyle, was Principal at the Notre Dame

School. Sister Andrew died in 2006.

9. In or around 1945, when Plaintiff was about 14 years of age, Plaintiff entered her sophomore year at the Notre Dame School. Sister Andrew was Principal of the Notre Dame School at this time.

10. It was under these circumstances that Plaintiff came to trust and be under the supervision of Sister Andrew, who used her position of trust and authority over Plaintiff to sexually abuse Plaintiff.

11. In or around 1945, when Plaintiff was approximately 14 years of age, Sister Andrew, while acting as a principal, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

12. At all times material hereto, Sister Andrew was under the direct supervision, employ and/or control of Defendants.

13. All the Defendants knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Sister Andrew who sexually abused Plaintiff.

14. Defendants had the responsibility to supervise and/or direct religious sisters serving at the Notre Dame School, and specifically, had a duty not to aid a pedophile, such as Sister Andrew, by assigning, maintaining and/or appointing her to a position with access to minors.

15. Plaintiff suffered personal physical and psychological injuries and damages as a result of Sister Andrew's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

16. As a direct result of the Defendants' conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was

prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Sister Andrew's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm she suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

17. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

18. Defendants owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Sister Andrew in her role as principal, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Sister Andrew did not use her assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

19. Defendant Archdiocese of New York at all relevant times represented that the Roman Catholic schools within the Archdiocese of New York were safe places for minors to attend, and that the staff at those schools were individuals to whom it was safe to entrust the care of minor children. Defendant Archdiocese of New York entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for her.

20. Defendant Sisters of St. Ursula at all relevant times held out the Notre Dame School to be a safe place for minors to attend and their religious sisters as individuals to whom it was safe to entrust the care of minor children. Defendant Sisters of St. Ursula

entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for her.

21. Sister Andrew sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor in New York.

22. Defendants Archdiocese of New York, Sisters of St. Ursula, and the Notre Dame School negligently hired, retained, directed, and supervised Sister Andrew, although they knew or should have known that Sister Andrew posed a threat of sexual abuse to minors.

23. Defendants Archdiocese of New York, Sisters of St. Ursula, and the Notre Dame School knew or should have known of Sister Andrew's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

24. Defendants Archdiocese of New York, Sisters of St. Ursula, and the Notre Dame School were negligent in failing to properly supervise Sister Andrew.

25. The sexual abuse of children by adults, including nuns, is a foreseeable result of negligence.

26. At all times material hereto, Defendants' actions were willful, wanton, malicious, negligent, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

27. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

28. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION

Negligence/Gross Negligence

29. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

30. Defendants knew, or were negligent in not knowing, that Sister Andrew posed a threat of sexual abuse to children.

31. The acts of Sister Andrew described hereinabove were undertaken, and/or enabled by, during the course, and/or within the scope of her employment, appointment, and/or agency with the Defendants.

32. Defendants owed Plaintiff, at the relevant times a minor, a duty to protect her from Sister Andrew's sexual deviancy, both prior to and/or subsequent to Sister Andrew's misconduct.

33. Defendants' willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

34. Defendants:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Sister Andrew;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

35. At all times material hereto, with regard to the allegations contained herein, Sister Andrew was under the direct supervision, employ and/or control of Defendants.

36. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, negligent, and outrageous in their disregard for the rights and safety

of Plaintiff.

37. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

38. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to the Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION
Breach of Fiduciary Duty

39. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

40. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants. This relationship is based on the entrustment of the Plaintiff while she was a minor child to the care and supervision of the agent or servant of the Defendants. Through the position to which Sister Andrew was assigned by the Defendants, Sister Andrew was put in direct contact with Plaintiff, then a minor. Sister Andrew had been assigned to be Principal of the Notre Dame School; a school Plaintiff attended when she was a minor. This entrustment of the Plaintiff to the care and supervision of the agent or servant of the Defendants, while the Plaintiff was a minor child, required the Defendants to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect her while she was a minor and vulnerable child.

41. Pursuant to their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff.

42. Pursuant to their fiduciary relationship, Defendants assumed a duty to act in the best interests of Plaintiff.

43. Defendants breached their fiduciary duties to Plaintiff.

44. At all times material hereto, Defendants' actions and/or inactions were

willful, wanton, malicious, reckless, negligent, and outrageous in their disregard for the rights and safety of Plaintiff.

45. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer injuries and damages described herein.

46. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Breach of Non-Delegable Duty

47. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

48. Plaintiff, when she was a minor, was placed in the care of all of the Defendants for the purposes of, *inter alia*, providing plaintiff with a safe environment to engage in age appropriate youth activities. There existed a non-delegable duty of trust between Plaintiff and Defendants.

49. Plaintiff was a vulnerable child when placed within the care of the Defendants.

50. As a consequence, the Defendants were in the best position to learn of Sister Andrew's inappropriate conduct with other minors and to prevent Sister Andrew's sexual abuse of Plaintiff.

51. By virtue of the fact that Plaintiff was sexually abused as a minor entrusted to the care of the Defendants, Defendants breached their non-delegable duty to Plaintiff.

52. At all times material hereto Sister Andrew was under the direct supervision, employ and/or control of the defendants.

53. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer injuries and damages described herein.

54. By reason of the foregoing, Defendants, jointly, severally and/or in the

alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

55. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

56. As described aforesaid, the actions of Defendants, including their agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

57. Defendants' actions endangered Plaintiff's safety and caused her to fear for her own safety.

58. As a direct and proximate result of Defendants' actions which included, but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including, but not limited to, mental and emotional distress.

59. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Breach of Duty *in Loco Parentis*

60. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

61. Plaintiff when she was a minor was entrusted to the control of Sister Andrew for the purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. Defendants owe – and owed – a duty to minors entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

62. Defendants breached their duty to act *in loco parentis*.

63. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

64. As a direct result of Defendants' conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

65. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: September 16, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr. _____
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